

STATEMENT OF DAVID F. TRAYNHAM,
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INTERNATIONAL AVIATION
FEDERAL AVIATION ADMINISTRATION
BEFORE THE SENATE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION
REAUTHORIZATION OF THE FEDERAL AVIATION ADMINISTRATION
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Mr. Chairman and Members of the Committee:

Good Morning. I am David Traynham, the Assistant Administrator for Policy, Planning, and International Aviation. I appreciate the opportunity to appear before you this morning to discuss the reauthorization of the Federal Aviation Administration ("FAA") programs and the implementation of the recommendations of the National Civil Aviation Review Commission ("NCARC"). Secretary Slater and Administrator Garvey had a long-standing commitment to dedicate the new controller workstations and automation in Seattle this morning. That dedication represents the replacement of 30-year-old technology with a platform that will be the heart of our new en-route automation system.

On behalf of Secretary Slater and Administrator Jane Garvey, let me begin by expressing my appreciation and thanks to you Mr. Chairman, and to the Members of this Committee, for your continued strong support of the FAA and its programs.

With the start of the 106th Congress, we face an ever-increasing sense of urgency to reauthorize the FAA because the reauthorization of the FAA contained in the Omnibus

Appropriations Act was only a 6-month authorization. Consequently, the FAA Airport Improvement Program will expire on March 31, 1999 unless a continuation of the program is quickly enacted. We appreciate this early hearing as an indication that the Congress is prepared to take the necessary steps to ensure no lapse in the grant program.

It is a primary goal of this Administration to encourage strong economic growth that promotes and sustains the standard of living enjoyed by millions of Americans. Our analysis of transportation issues confirms that aviation plays an integral role in sustaining the unprecedented economic growth we have enjoyed over the last decade. From aircraft manufacturers, to business and tourist travel, to cargo transportation, each of these facets of the aviation industry makes substantial contributions to the economic vitality of this Nation. It is imperative that the legislative steps we take this year continue the vibrant and dynamic growth of the aviation industry and the economic vitality of the Nation as a whole. Both Secretary Slater and Administrator Garvey believe that it is important to capitalize on the groundwork established by the 105th Congress, the White House Commission on Aviation Safety and Security, and the National Civil Aviation Review Commission to prepare the FAA for the 21st century.

The Administration is presently developing a reauthorization proposal for the Congress' consideration. We have not completed that exercise, but we expect to do so soon.

It is our understanding that as this Committee begins its consideration of the authorizing legislation for the FAA, you are beginning with legislation that passed the Senate in the 105th Congress. At the outset, Mr. Chairman, let me say that as a basis for beginning this process, we believe that the Senate's bill would make significant improvements in the FAA. Indeed, many of the provisions that you have included in the bill can provide the FAA with the necessary tools to perform our important safety and regulatory missions for the aviation community.

The Senate bill last Congress included a number of amendments to the Airport Improvement Program ("AIP") that would improve its efficiency and administration, including the provision advocated by the Administration to authorize the FAA to further demonstrate innovative uses of airport grant funds. We continue to support these improvements. However, the Senate bill did not permit block grant states to use their formula funds to establish a revolving loan fund to support investment projects, a concept that the Administration supported last Congress. We would hope, as we did last Congress, that you would give further consideration to the revolving-loan concept.

A provision of the Senate bill from the 105th Congress, which was of concern, was the requirement to report state-by-state contributions to the Aviation Trust Fund and a breakdown by state of AIP spending. We do not believe that a "donor/donee" breakdown of contributions and grants would prove to be a useful tool and could lead to a misrepresentation of what individual states pay into the fund and how states benefit from

FAA programs. For instance, airport improvement grants are only one form of FAA "benefit." The FAA maintains and controls the national airspace system through facilities located across the nation, staffed with FAA controllers, inspectors, and maintenance personnel. All states and their citizens benefit from this national system, whether or not they have large or small airports located within their boundaries.

The Senate legislation proposed to extend to cargo carriers the requirement to have collision avoidance systems. Such technology is currently required for commercial aircraft with more than 30 passenger seats, and provides significant safety benefits by reducing the potential for collision between aircraft. The FAA believes that the safety of the entire airspace system would be enhanced by extending the requirement for installation of collision avoidance equipment to cargo aircraft. We are now considering this issue within the context of the agency's rulemaking process that will analyze all aspects of a mandate for installation of such equipment. We anticipate publishing a notice of proposed rulemaking for public comment in Fiscal Year 1999.

In addition to the collision avoidance system, the Senate bill proposed to direct a rulemaking "to develop procedures to protect air carriers and their employees from civil enforcement action" when they participate in the Flight Operations Quality Assurance Program ("FOQA"). FOQA is a promising and innovative means of obtaining comprehensive air safety information systematically and thereby permits the airlines and the FAA safety inspectors to identify trends in order to highlight areas of emerging safety

issues.

It is crucial to our efforts to dramatically reduce the accident rate over the next several years. To that end, Administrator Garvey recently issued a policy statement on December 2, 1998, setting forth the FAA's enforcement approach with regard to FOQA information. This policy statement provides that the FAA will refrain from using FOQA information as a basis for punitive enforcement actions, that is, civil penalty or certificate suspension for a defined period. This policy applies only to information collected specifically in a FOQA program that is FAA-approved. In this way, we hope to encourage voluntary airline collection of digital flight data recorder information to monitor operations on a routine basis. Analysis of this information will in turn provide an opportunity to take any corrective actions necessary to enhance safety. Our emphasis is to prevent accidents before they happen. Our policy statement should enable the FOQA program to proceed and become an additional tool in accident prevention.

Last Congress, the Senate's bill contained provisions that restored the enforcement provisions of title 5 with regard to whistleblower retaliation cases involving FAA employees. We are very supportive of this measure and believe that comparable treatment should be afforded to Hatch Act enforcement as well. The Administration also supports whistleblower protection for aviation industry employees and we are pleased to see that proposal included in the bill.

We were also pleased to see that the bill incorporated the provisions that generally reflected the agreement developed by the National Parks Overflights Working Group, appointed in accordance with President Clinton's Executive Memorandum of April 22, 1998. Recognizing that the National Park Service has the authority and responsibility to protect all park resources, and that the FAA has the authority and responsibility to manage and control airspace, the President directed both agencies to work together and with representatives of the air tour industry and of the environmental community, to minimize the noise impact of commercial air tours on the Nation's park resources. We support these provisions and look forward to continuing our work with Congress to ensure that the values and resources of the National Park system are protected in perpetuity for future generations, and that the national airspace system continues to be managed by a single entity.

Mr. Chairman, we appreciate the opportunities we have had to work with you and the Members of this Committee to address the mutual concerns of the Congress and the FAA. Let me assure you that we are committed to our mutual goals to provide needed investment for our airports, to strengthen and improve FAA safety and security programs and to support the cost-efficient and streamlined delivery of FAA services. Both Secretary Slater and Administrator Garvey appreciate the high degree of cooperation that exists between the Members of this Committee, the FAA, and its staffs. We are confident that in continuing that partnership, we can all produce a FAA reauthorization bill that the Administration will be able to strongly support.

Thank you for the opportunity to testify this morning. On behalf of Administrator Garvey, we look forward to working with you and our partners in the aviation industry to accomplish the challenging legislative agenda. I would be pleased to answer any questions that you may have.